**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**CRIMINAL APPELLATE JURISDICTION**
**CRIMINAL APPLICATION NO.4011 OF 2005**

Sayeed Noormohammad Sayyad ...Applicant

vs.

State of Maharashtra ...Respondent

Mr.K. S. Patil i/b Mr.Shadab C. Peerzade for the Applicant
Mr.K.V.Saste,A.P.P. for State

**CORAM: A.S.OKA,J.**
**DATE : JULY 5,2005.**

**P.C.:**

1. Heard Advocate for the Applicant and the learned A.P.P. for State. The offence alleged against the Applicant is punishable under Sections 363,366,376 of the Indian Penal Code. It is not in dispute that when the offence was allegedly committed the prosecutrix had attained the age of majority and her age was 19 years.

2. On record of this application the Applicant has placed the declarations made by him and the prosecutrix regarding solemnization of marriage and the said declarations appeared to have been registered on 16th December 2004, before the Registrar of Marriages, Jamkhandi, Karnataka. The registration of declaration appears to have been made about five months after the commission of offence.

3. The Applicant has been arrested on 17th December 2004 and admittedly the charge sheet is filed long back. Perusal of

various statements recorded by the police show that the Applicant had taken the prosecutrix from place to place. According to the case of the prosecution from 6th July 2004 for few days the Applicant and the prosecutrix were together.

4. Considering the fact that the prosecutrix had attained the majority on the date on which the offence has been taken place and considering the fact that now the Applicant is in custody for more than six months, a case is made out for enlarging the Applicant on bail. The material which is placed on record, makes the prosecution case doubtful to some extent. The medical certificate appears to be inconclusive.

5. Hence I pass the following order.

i) The Applicant shall be enlarged on bail in connection with C.R.No.76 of 2004 registered with Sangola Police Station, subject to furnishing a personal bond of Rs.15,000/ (Rupees fifteen thousand only) with one or two local sureties in the like amount.

ii) The Bail is granted subject to condition that the Applicant shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.

iii) The Applicant shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by

the Applicant to delay the trial may be a ground for cancellation of bail.

iv) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

v) Application is disposed of in above terms.

vi) The parties to act upon an authenticated copy of this order.

**JUDGE**